CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	▼ Force	☑ Discourt.	☐ U.S.	
Owen Godshall		Squad #15	201609410	☐ Abuse	O.L.	✓ Injury	
Incident Date(s)		Location of Incident	:	Precinct:	18 Mo. SOL	EO SOL	
Tuesday, 11/08/2016 1:00 PM		§ 87(2)(b) § 87(2)(b)		41	5/8/2018	5/8/2018	
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	Received at CC	RB	
Sun, 11/13/2016 11:36 AM		CCRB	On-line website	Sun, 11/13	3/2016 11:36 AM	1	
Complainant/Victim Type		Home Add	Home Address				
Witness(es)		Home Add	lress				
Withess(cs)		Home Auc	II CSS				
Subject Officer(s)	Shield	TaxID	Command				
1. SGT Michael Bletcher	3912	929740	PSA 7				
2. POM Juan Candelario	06688	948739	PSA 7				
3. An officer							
Witness Officer(s)	Shield No	o Tax No	Cmd Name				
1. LT Avi Baran	00000	944349	042 PCT				
2. SGT Samantha Fourcell	01335	926843	028 PCT				
3. SGT Jose Caban	01324	929805	HBM RT				
4. POM Jose Rodriguez	11467	956212	042 PCT				
5. POM Juan German	16549	957620	MTS PCT				
6. POF Lissette Sanchez	11279	940700	041 PCT				
7. POM Richard Suriel	13059	932120	041 PCT				
8. POM Edwin Garcia	31744	926865	041 PCT				
9. POF Yajaira Cabrera	27249	925007	041 PCT				
10. POM Manuel Alonzo	25197	941337	041 PCT				
11. POM Alldon Verdejo	14642	951387	H BX/Q				
12. POM Sandy Nunez	10829	956134	042 PCT				
13. POM Brian Mcgovern	10806	956078	T.A.R.U				
14. POM Corey Wooten	06551	951002	042 PCT				
15. POM Domingo Arjona	05689	944331	042 PCT				
16. SGT Carlos Rosario	04581	933294	042 PCT				

Witness Officer(s)	Shield No	Tax No	Cmd Name	
17. POM Daniel Staple	14749	943844	PSA 7	
18. SGT Jason Korpolinski	1591	942787	PBQN SU	
19. POM Christopher Medina	02088	952000	PSA 7	
Officer(s)	Allegation			Investigator Recommendation
A.SGT Michael Bletcher	Force: At § 87(2) Michael Bletch	(b) her fired his gu	in the Bronx, Sergeant n at § 87(2)(b)	
B.POM Juan Candelario	Force: At § 87(2) Juan Candelar	io fired his gun	in the Bronx, Police Officer at § 87(2)(b)	
C. An officer	Discourtesy: A officer spoke of	At ^{§ 87(2)(b)} discourteously t	in the Bronx, an	
D. An officer	Force: At \$87(2) physical force	against § 87(2)(b)	in the Bronx, an officer used	

in the Bronx, an

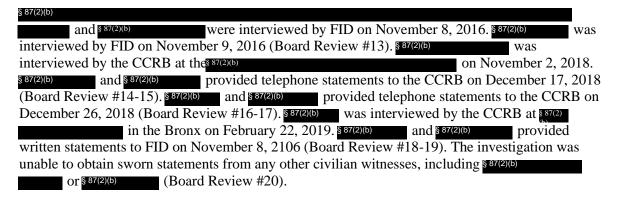
Discourtesy: At \$87(2)(b) officer spoke discourteously to \$87(2)(b)

E. An officer

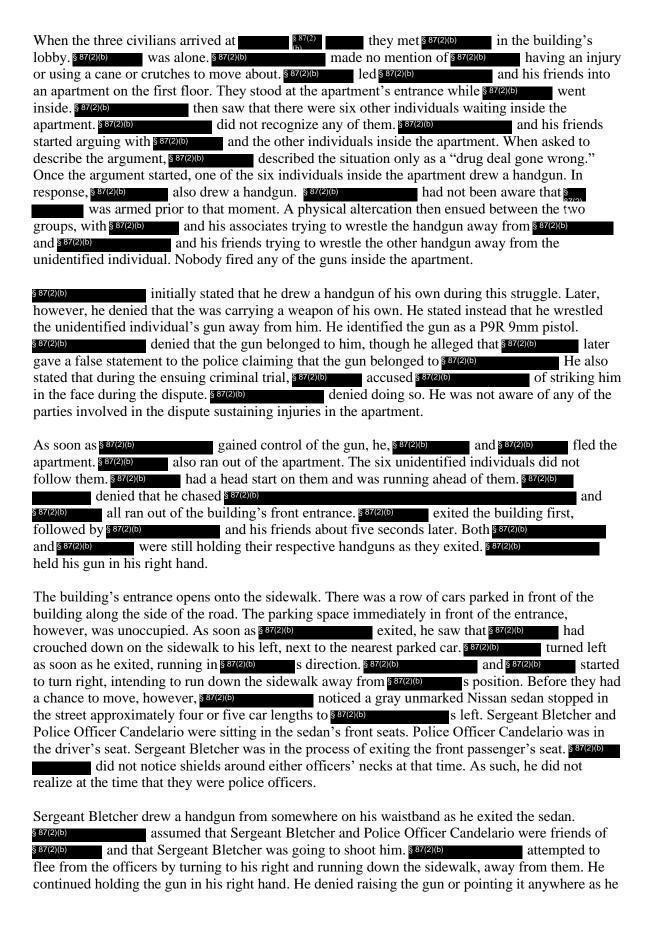
Case Summary

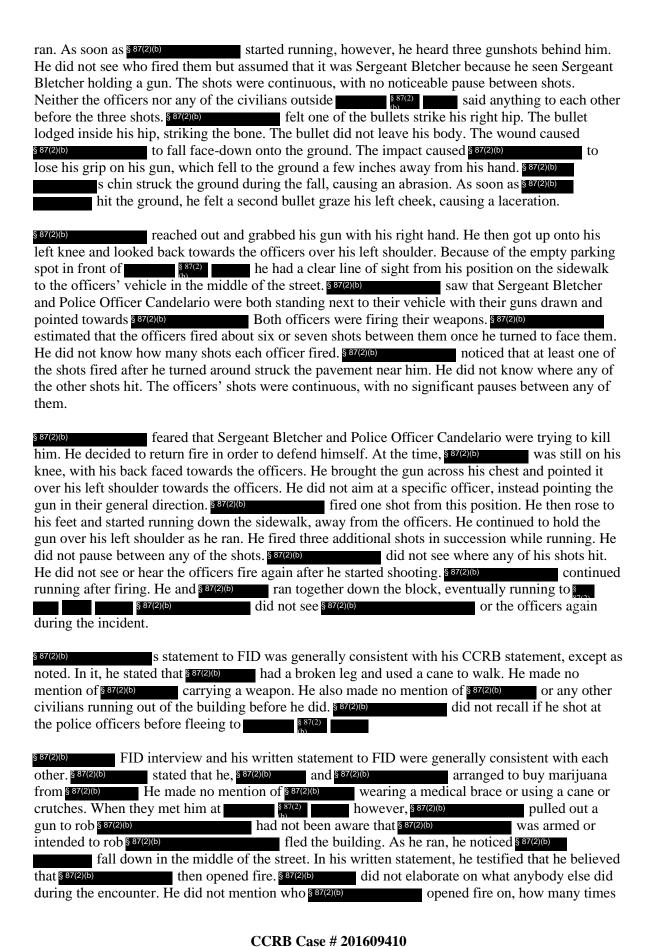
On November 11, 2016, \$87(2)(b) filed this complaint with the CCRB via the website on behalf of his son, \$87(2)(b) did not witness the incident.
At approximately 1:00 p.m. on November 8, 2016, \$57(2)(5) and \$57(2)(5) who lived on the building's first floor. Once they met inside the building, a physical altercation broke out between them. At least one of the people involved in the altercation produced a firearm. Tried to flee, running out of the building's front door. \$57(2)(5) followed him, holding a firearm in his right hand. At that time, Sergeant Michael Bletcher and Police Officer Juan Candelario of PSA 7 were driving by the building in an unmarked vehicle. Both officers exchanged gunfire with \$57(2)(5) was struck on his right hip. Nobody else was injured in the shooting. \$57(2)(5) Sergeant Bletcher and Police Officer Candelario followed them in their unmarked vehicle. \$57(2)(5) Sergeant Bletcher and Police Officer Candelario followed them in their unmarked vehicle. \$57(2)(5) Sergeant Bletcher, Police Officer Candelario and several backup units surrounded the location and ordered the civilians to surrender. \$57(2)(5) and \$57(2)(5) exited the building as instructed. The officers then placed them under arrest.
After the civilians were apprehended, one of the officers allegedly held \$87(2)(b) on the ground by pressing his knee down on \$87(2)(b) s gunshot wound (Allegation C: Force – Physical force \$87(2)(c)). The same officer also allegedly called \$87(2)(b) a "son of a bitch" (Allegation D: Discourtesy – Word, \$87(2)(c)). \$87(2)(b) was transported to \$87(2)(b) to receive treatment for his injury. While at the hospital, an unidentified sergeant allegedly told \$87(2)(b) "It would have been better if you were dead" (Allegation E: Discourtesy – Word, \$87(2)(c)).
was charged with criminal possession of a weapon, attempted assault, attempted robbery, attempted grand larceny and burglary. S87(2)(b) was charged with criminal possession of a weapon, attempted robbery, attempted grand larceny and burglary. S87(2)(b) was not arrested during the initial incident but turned himself into the police later that night. He was charged with criminal possession of a weapon and attempted robbery. (Board Review #01).
Several clips of video footage taken from security cameras posted on various buildings in the vicinity of and and are were obtained from the NYPD's Force Investigation Division (FID). They are attached in IAs #301-303 and 310-315 (Board Review #02-10) and summarized in IA #316 (Board Review #11).
§ 87(2)(g)
Findings and Recommendations
Allegation (A) Force: At 887(2)(b) in the Bronx, Sergeant Michael Bletcher fired his gun at 887(2)(b)
Allegation (B) Force: At § 87(2)(b) in the Bronx, Police Officer Juan Candelario fired his gun at § 87(2)(b)

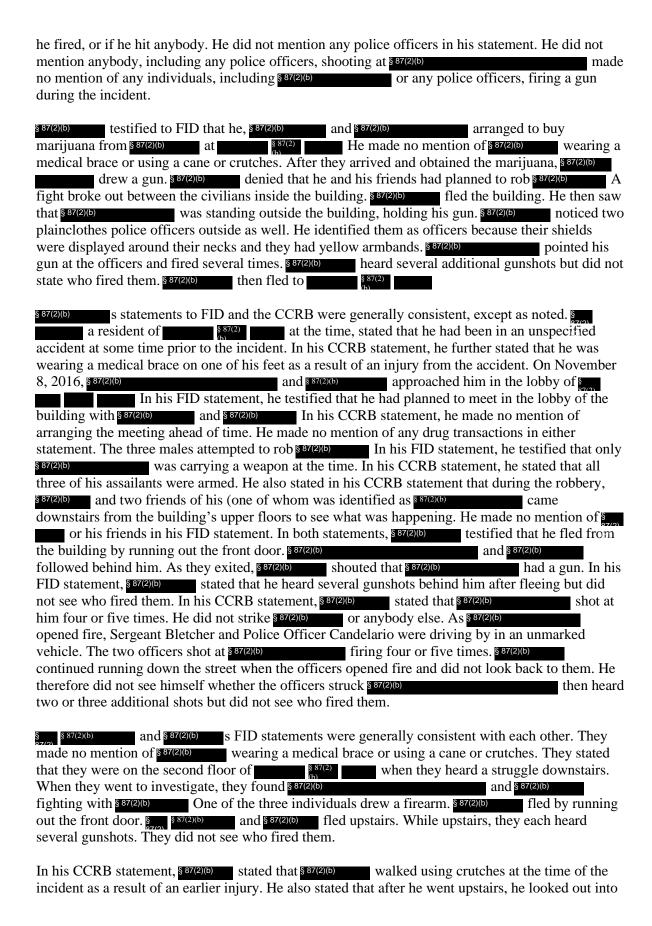
CCRB Case # 201609410

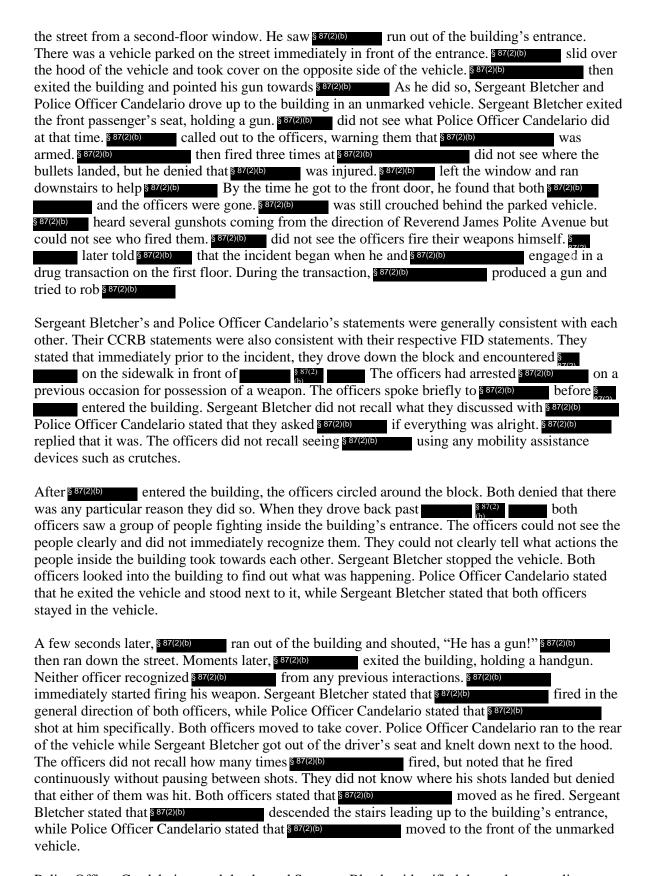


Police Officer Sandy Nunez, Police Officer Brian McGovern, Police Officer Corey Wooten, Police Officer Domingo Arjona, and Sergeant Carlos Rosario of the 42nd Precinct, as well as Police Officer Daniel Staple and Sergeant Jason Korpolinski of PSA 7, were interviewed by FID on November 8, 2016. Sergeant Bletcher and Police Officer Candelario were subsequently interviewed by FID on June 20, 2017 and September 28, 2017, respectively (Board Review #13). Sergeant Bletcher was interviewed at the CCRB on February 13, 2020. Police Officer Candelario was interviewed at the CCRB on March 5, 2020. Police Officer Staple was interviewed at the CCRB on March 12, 2020. Police Officer Medina was interviewed at the CCRB on September 1, 2020. Sergeant Rosario was interviewed at the CCRB on September 15, 2020. Police Officer Wooten was interviewed at the CCRB on September 30, 2020.

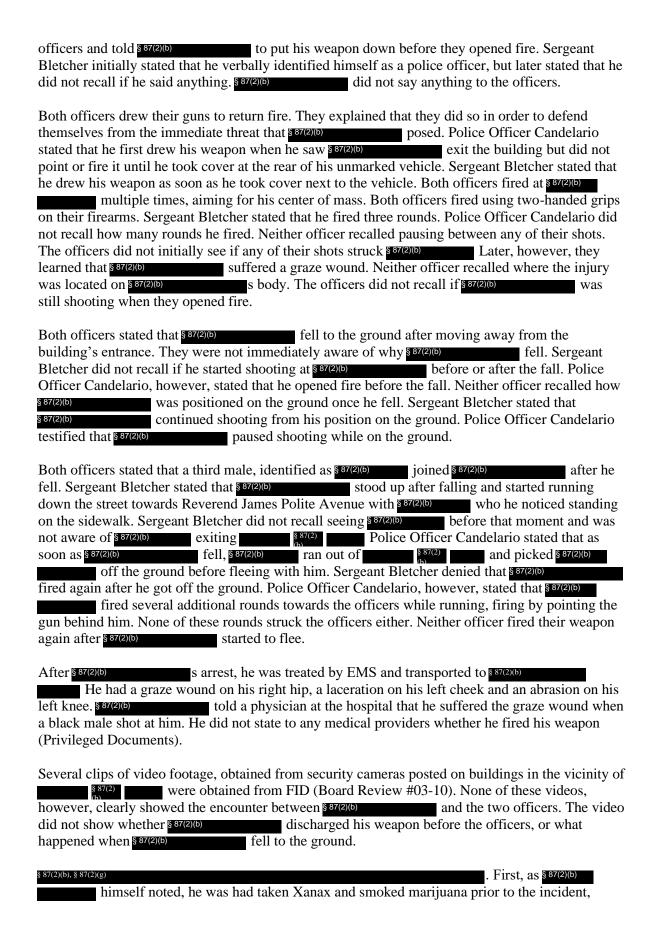








Police Officer Candelario stated that he and Sergeant Bletcher identified themselves as police



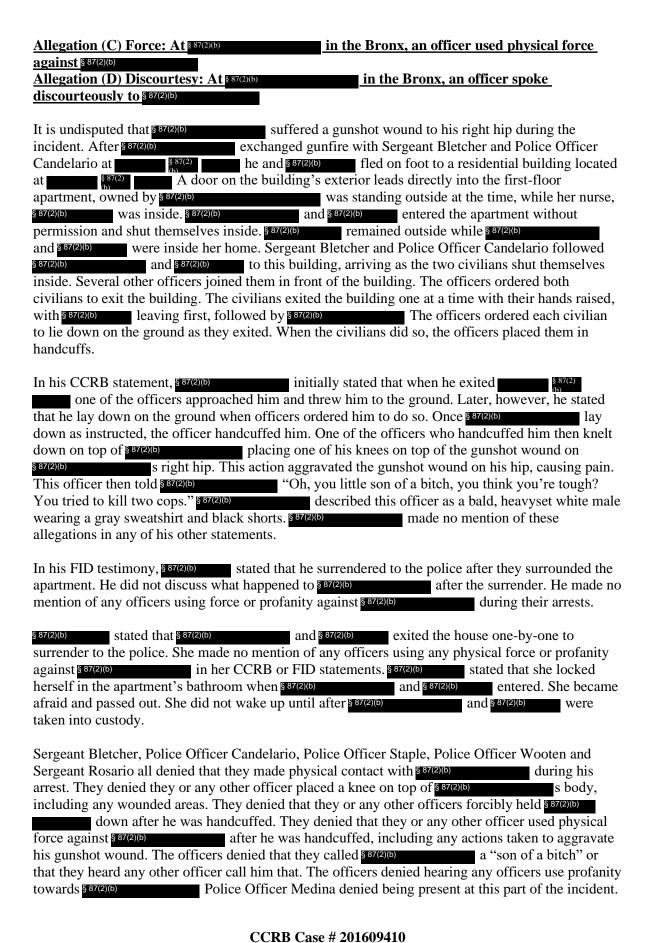
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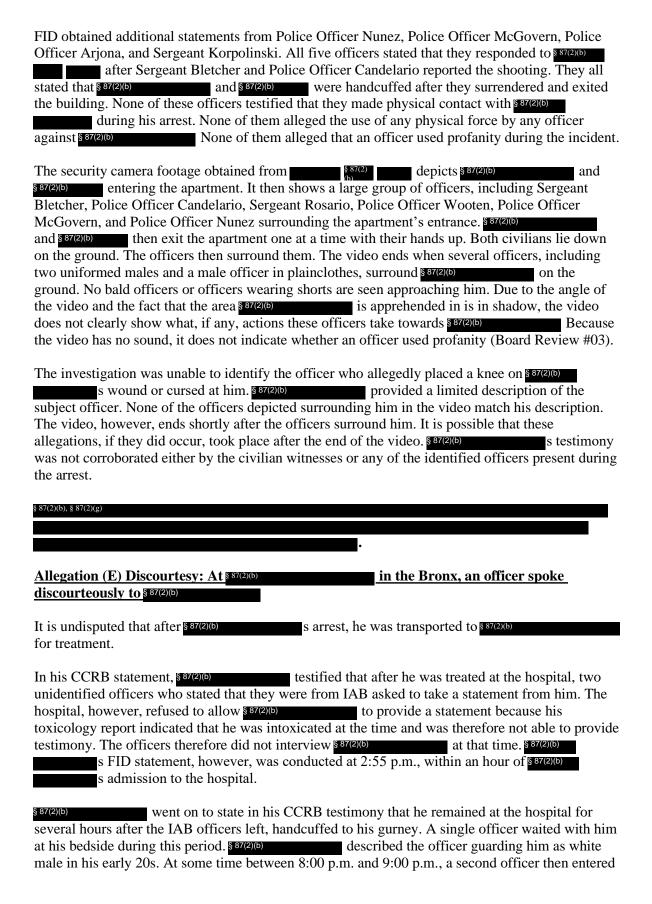
which impaired his attention to detail.§87(2)(b),§87(2)(g)	
§ 87(2)(b), § 87(2)(g)	
	§ 87(2)
	87(2)(g)
The video footage does not show whether \$87(2)(b) aimed. \$87(2)(b), \$87(2)(g)	fired first, or where his shots were
affica. \$ 67(276), \$ 67(27g)	
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NYPD Patrol Guide procedure 221-01 states that officers may use physical force when it is reasonable to ensure the safety of a member of the service. Any application or use of force must be reasonable under the circumstances. The use of deadly physical force against a person can only be used to protect a member of the service and/or the public from imminent serious physical injury or death. In determining whether the use of force against a subject is reasonable, an officer should consider several factors, including: the actions taken by the subject, the duration of the action; the immediacy of the perceived threat or harm from the subject; the size, age and condition of the subject in comparison to the officer; the number of subjects in comparison to the number of officers present; the subject's violent history (if known); the presence of a hostile crowd or agitators; and whether the subject appears to be under the influence of a stimulant or narcotic that would affect their pain tolerance or increase the likelihood of violence (Board Review #21).

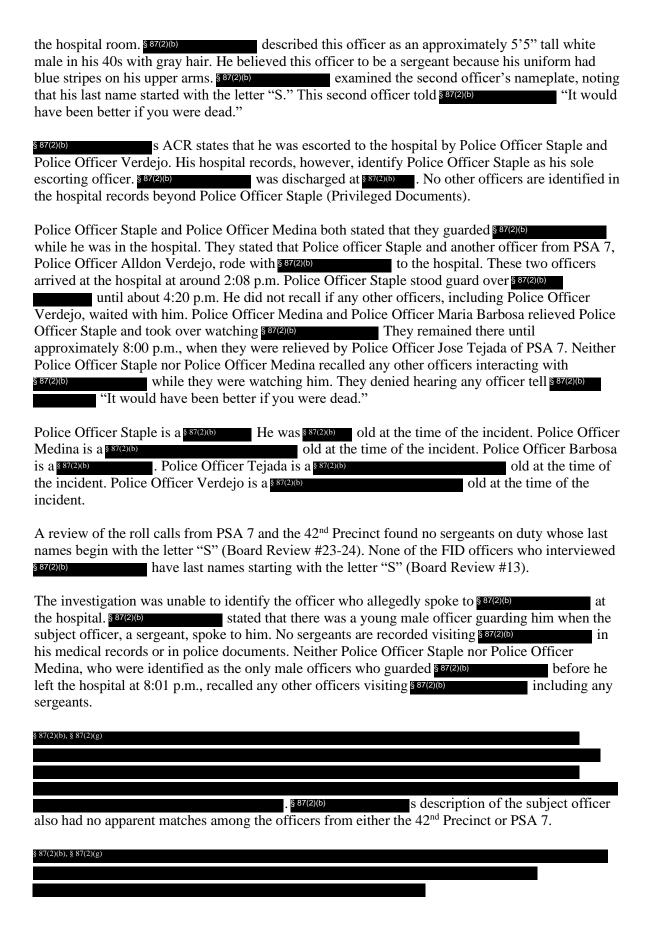
NYPD <u>Patrol Guide</u> procedure 221-03 defines a physical injury or illness as "serious" when it creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or limb. Examples of serious injuries include broken or fractured bones, injuries requiring hospital admission and gunshot wounds (Board Review #22).

§ 87(2)(b), § 87(2)(g)			
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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) or \$87(2)(b) has been a party (Board Review #25).
- Sergeant Bletcher has been a member of the service for eighteen years and has been listed as a subject officer in four other CCRB complaints and seven allegations, two of which were substantiated.
 - CCRB #201608992 involved allegations of refusal to provide name and/or shield number and stop, both of which were substantiated. The Board recommended that he receive Command Discipline A, which the Department administered.
- Police Officer Candelario has been a member of the service for ten years and has been listed as a subject officer in two previous CCRB complaints and eight allegations, five of which were substantiated.
 - CCRB #201603587 involved allegation of stop, search and strip search, which were closed as unsubstantiated, as well as allegations of frisk and abuse of authority (other), which were substantiated. The Board recommended that he receive Formalized Training, which the Department administered.
 - CCRB #201608992 involved allegations of frisk, search and refusal to provide name and/or shield number, all three of which were substantiated. The Board recommended that he receive Command Discipline A, which the Department administered.

Mediation, Civil and Criminal Histories

- This complaint was not eligible for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on October 5, 2020. The results will be included in the case file upon receipt.

§ 87(2)(b)			
§ 87(2)(b)			
§ 87(2)(b)			

investigator:	Owen Godshall	Inv. Owen Godshall	10/06/2020
	Signature	Print Title & Name	Date
	-		
Squad Leader:	Simon Wang	IM Simon Wang	12/18/2020
_	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date